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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,490	08/22/2003	Paul A. Reynolds	DWE/REYNOLDS	8740
32834	7590	11/16/2005	EXAMINER	
D.W. EGGINS 18 DOWNSVIEW DRIVE BARRIE, ON L4M 4P8 CANADA			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,490	REYNOLDS, PAUL A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shawn M. Braden	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: (P5 ln 4), fig 3 does not contain 25. Please clarify what 25 is referring to in fig 4. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Segments are in assembled relation in claim 12, unclear which embodiment applicant is referring to. If referring to embodiment of fig 4, changing the spacing of the male and female detent portions would cause all of the seams to have gaps between adjacent surface portions.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5,8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Spadaro (USPN 3,072,280). In regards to claim 1, Spadaro clearly shows a multi-

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segment container 10 having a plurality of substantially identical segments 16 in mutually hinged array to form an enclosure, where in peripheral portions of the segments collectively form a pair of end walls in mutually spaced relation, each segment including hinge means (fig 1) for detachable engagement with an adjoining segment. Examiner does not recognize 112 6<sup>th</sup> paragraph for the "means for" statement since the claim does not pass the three prong test. Examinee views "hinge" as sufficient structure, material or acts for achieving the specified function (see MPEP § 2181- § 2186)

6. In regards to claim 2, Spadaro shows the side portions to include a pair of tab portions located outside segment peripheral portion, and including hinge means(fig 4).

7. In regards to claim 3, Spadaro clearly shows a pair of tab portions include a male 36,37 and a female 38,39 hinge portion.

8. In regards to claim 4, Spadaro clearly shows a substantially continuous peripheral wall (fig 6).

9. In regards to claim 5, Spadaro clearly shows end walls that are substantially continuous (fig 6).

10. In regards to claim 8, Spadaro shows what the examiner considers a substantially cylindrical peripheral wall (fig 1).

11. In regards to claim 9, Spadaro shows his side portions include a projection edge portion to form feet 58,59. Examiner considers these feet to have the same structure and recitation as a stabilizing heel.

12. In regards to claim 10, Spadaro shows raised edge portions (fig 3) 19,21 to serve as stabilizing contact surfaces with adjoined container segments.

13. In regards to claim 11, Spadaro shows hinge means consist of female 38 and male 37 detent portions in removable, mutually pivotal, attached relation (fig 5).

14. In regards to claim 12, Spadaro shows male and female detent portions are in mutually spaced relation such that gaps of predetermined size are created between adjacent surface portions of the container, to ventilate the container (fig 3-5).

15. Claims 1,6,7 are also rejected under 35 U.S.C. 102(b) as being anticipated by Hunt (USPN 5,101,972). In regards to claim 1, Hunt clearly shows a multi-segment container having a plurality of substantially identical segments 12,14 in mutually hinged array to form an enclosure, where in peripheral portions of the segments collectively form a pair of end walls in mutually spaced relation, each segment including hinge means (fig 1) for "detachable" (to the same degree as claimed) engagement with an adjoining segment.

16. With respect to claim 6, Hunt clearly shows separation means on the inner surface (fig 1).

17. With respect to claim 7, Hunt clearly shows the separation means are corrugations having spaces of predetermined width there between (fig 1).

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Spadaro in view of Hunt (USPN 5,101,972). With respect, Spadaro shows everything except a peripheral wall is substantially cylindrical. Hunt teaches a cylindrical storage apparatus of dimension slightly larger than the disc shaped recording media to be stored (col 3 ln 26). Hunt's container is more cylindrical than Spadaro's in order to have a better fit on the round media stored within. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Spadaro's container to be more cylindrical in order to better fit round media.

### ***Conclusion***


20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb



**JES F. PASCUA**  
**PRIMARY EXAMINER**